

FILED 10 FEB 09 15:12 USDC-ORP

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DAVID LEE ATKINSON,

Petitioner,

Civil No. 06-1463-PK

v.

O R D E R

JEAN HILL,

Respondent.

HAGGERTY, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [55] in this action. The Magistrate Judge recommended that Petitioner's Petition for Writ of Habeas Corpus [2] should be denied, and a judgment should be entered dismissing this case with prejudice.

Petitioner has filed objections through his counsel [60], and also *pro se* supplemental objections [61]. When a party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The court has given the file of this case a *de novo* review, and has also carefully evaluated the Magistrate Judge's Findings and Recommendations, petitioner's objections and supplemental objections, and the record of the case. The Findings and Recommendation is well-reasoned, without error, and adopted in its entirety.


CONCLUSION

The Magistrate Judge's Findings and Recommendation [55] in this action is adopted. Petitioner's Petition for Writ of Habeas Corpus [2] is denied, and Judgment will be entered dismissing this case with prejudice.

This court also declines to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 9 day of February, 2010.


Ancer L. Haggerty
United States District Judge